

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

BRANDON LANDRUM,

Plaintiff,

v.

**DELTA INTERNATIONAL
MACHINERY CORPORATION,
LANDRUM INSTALLATION, and
DEFENDANTS 1-15,**

Defendants.

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Case Number: 1:08-CV-140-WKW

**DEFENDANT DELTA MACHINERY'S RESPONSE
TO DEFENDANT RANDY LANDRUM'S MOTION TO REMAND**

Defendant Delta International Machinery Corporation ("Delta Machinery") files this Response to the Motion of Defendant Randy Landrum d/b/a Landrum Installation ("Randy Landrum") to Remand the worker's compensation claim plaintiff has requested leave to file against Randy Landrum in the amended complaint. Delta Machinery states as follows:

1. Defendant Randy Landrum filed a Motion to Remand asking this Court to remand Plaintiff's state worker's compensation claim alleged against him in the amended complaint.
2. Plaintiff failed to state a valid claim against Defendant Landrum Installation, an Alabama corporation, in his original Complaint, which formed the basis of Delta Machinery's removal of the case to this Court.
3. Because Plaintiff failed to state a valid claim in his original Complaint, there is no worker's compensation claim to be remanded.
4. However, if this Court allows Plaintiff to amend his Complaint to state a valid worker's compensation claim against Defendant Randy Landrum d/b/a Landrum Installation, Delta

Machinery has no objection to this Court severing and remanding Plaintiff's worker's compensation claim back to the Geneva County Circuit Court.

5. In its Response to Plaintiff's Motion to Remand and its Response to Plaintiff's Motion for Leave to Amend his Complaint, Delta Machinery has previously moved this Court, should it allow Plaintiff to amend his complaint, to sever and remand Plaintiff's worker's compensation claim against Randy Landrum.

Respectfully submitted,

/s/ Joseph P. H. Babington
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ANNIE J. DIKE (DIKEA6170)
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Machinery Corporation

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing pleading was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to counsel who have appeared in the case and who have registered for such notification.

S. Mark Andrews
MORRIS, CARY, ANDREWS,
TALMADGE & DRIGGERS
Post Office Box 1649
Dothan, Alabama 36302

this 18th day of April, 2008.

/s/ Joseph P.H. Babington
OF COUNSEL